

**MINUTES OF THE REGULAR MEETING
OF THE PLANNING BOARD
HELD IN THE TRUSTEES' ROOM, VILLAGE HALL
ON WEDNESDAY, MAY 10, 1995**

Members

Present: Patrick J. Gilmartin, Chairman
Robert Buford
William Bush, Secretary
Joseph Elliot
Peter Lilienfield

Also Present: Kevin J. Plunkett, Village Counsel
Ralph Mastromonaco & Bruce Donohue,
Consultants
to the Planning Board
Brenda Livingston, Ad Hoc Planning Board
Member
Eugene Hughey, Building Inspector
Florence Costello, Recording Secretary
Joseph S. Jacoby, J&L Reporting Service,
for
Westwood Development Associates
Applicants and other persons mentioned in
these Minutes
Members of the Public.

IPB Matters

Considered: 90-20 - John & Miriam Dedyo
Sht. 13B, Lot P9B,25A,68A
94-03 - Westwood Development Associates,
Inc.
Sht. 10,11, Lot 25,25K,P25J2
94-14 - Holy Spirit Association for the
Unification
of World Christianity - East Garden
Subdivision
Sht. 10, P-3
94-15 - James Dinan
Sht. 10, P-76
95-01 - Stephanie Scott
Sht. 1, P-3, P-5A2
95-08 - R.R. Irvington Associates
Lot #7
95-09 - Warren & Jan Adelson
Sht. 1, Bl. 245, Lot(s)

3B,5B,115,117

The Chairman called the meeting to order at 8:00 p.m.

IPB Matter #95-09:
Adelson for

Application of Warren & Jan
Site Development Plan Approval
for property
at Fargo Lane.

D. Dean Telfer, Architect, and Mr. & Mrs. Adelson appeared on behalf of the application. Applicant paid the required application fee and furnished evidence of mailing of the required Notice to Affected Property Owners. The proposed development consists of the construction of a single family residence on the former Randall property, known as Lindenholt.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then reviewed the Full Environmental Assessment Form and made a negative declaration under SEQRA. The Chairman took note of the fact that the property is subject to a conservation easement in favor of the Westchester Land Trust and that accordingly that body's approval for the proposed construction should be obtained before a Building Permit is issued.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of

Board determined that the application was for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved the Board granted Site Development Plan Approval for Lot #64.

IPB Matter #95-08: **Application of R.R.**
Irvington Associates for **Site Development Plan Approval**
for Lot #7. **Irvington Manor Subdivision.**

James Ryan, R.L.A. of John Meyer Consulting, and David S. Steinmetz, Esq. of Shamberg Marwell Cherneff Hocherman Davis & Hollis, P.C., appeared for the Applicant. Applicant paid the required application fee and furnished evidence of mailing of the required Notice to Affected Property owners. Mr. Lilienfield recused himself from the proceedings.

The Chairman noted that several members of the Board had conducted a site walk of Lot #7. The Chairman noted that the revised plan dated May 10, 1995 generally responded to the Board's and Mr. Mastromonaco's prior comments concerning the Application.

The Board noted that the revised plans showed the future location of a proposed tennis court. The Board with the Applicant's concurrence excluded any consideration of the tennis court from its consideration of the Application. The Chairman also noted and the Board discussed the need for protection around the water drainage basin shown on the plans. As there were no comments from the public, the Board closed the public hearing. The Board determined that the application was for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved the Board granted Site Development Plan Approval for Lot #7, subject to the Building Inspector's approval before issuance of a certificate of occupancy of the protection to be provided for the area surrounding the water basin.

The Chairman referred to a letter from Mr. Reynold Gheduzzi regarding the proposed improvements to be made by R.R. Irvington Associates to the emergency access road on its property. After the Applicant described its intentions not to widen or change the road the Chairman asked the Village Attorney to respond to Mr. Gheduzzi's letter.

IPB Matter #95-01: **Application of Stephanie**
Scott for Subdivision **Approval for property at 6 West**
Sunnyside Lane

This matter was adjourned until the Board's June meeting at the request of the Applicant.

IPB Matter #94-15: **Application of James M.**
Dinan for **Preliminary**
Approval of Subdivision Layout
for property at 10 North
Broadway.

The Chairman stated that this public meeting is held as required by Section 207-9 of the Village Code after receiving confirmation that all notices required to be given to the public had been given. Mr. Stephen McCabe, Village Administrator, appeared for the Applicant. As there were no public comments regarding the Application, the Board closed the public meeting on this Application.. The Chairman asked the Applicant to submit a copy of the formal plat with Health Department approval before final approval of the Application. The Board then signed the resolution granting preliminary approval to the proposed layout in the form initialed at the Board's April meeting.

IPB Matter #90-20: **Application of John & Miriam**
Dedyo for **property at Park Road.**

Mr. Dedyo appeared personally. The Chairman advised Mr. Dedyo that Mr. Plunkett would respond to the various questions raised by Mr. Dedyo in his letter to the Board

within a week. No further action was taken by the Board on the Application.

IPB Matter #94-03:
Development

Approval
property at
Mountain

Application of Westwood
Associates for Limited Site Plan
and Subdivision Approval for
Broadway, Riverview Road, and
Road.

The Board, on motion duly made, seconded, and unanimously carried, declared its intention to become lead agency for SEQRA purposes with respect to this Application, approved the form of a notice informing other interested and involved agencies of this intent, and authorized and directed the Applicant to mail the notice in accordance with SEQRA requirement.

The Board also considered whether it was in a position to be able to make a Site Capacity determination. As a matter of procedure, it determined that the least confusing way of proceeding would be to first determine the Site Capacity of the property now owned by the Applicant in accordance with the requirements of the Village Code, and to do the same with respect to the Village owned property referred to as the "swap parcel" or "Tract C". Once these determinations have been made, the request for a waiver or adjustment of the Site Capacity could be considered, which would include SEQRA review of such request.

The Board reviewed the Site Capacity information submitted by Applicant with a view to being certain it understood both that information and what was going to be requested. With the concurrence of the Applicant, the Board confirmed that the information submitted by the Applicant asserted a Site Capacity under the normal requirements of the Village Code of 15 dwelling units on Tract A (the portion of the property nearest Broadway), 2

dwelling units in the Conservation Parcel (the area around Marshall's Pond), and 4 units in Tract B, for a total count of 21 dwelling units.

Mr. Steinschneider, for the Applicant, then confirmed that the Applicant is seeking to create 29 building lots in the area which has a Site Capacity of 21 dwelling units under the normal application of the Village Code.

It was also agreed that under the normal application of the Village Code the Site Capacity of the Village Owned land which is designated as Tract C is zero dwelling units because all of said property is in the Village Watershed. The Applicant is seeking to create 13 building lots in Tract C.

The Applicant also explained that even though it is seeking a subdivision approval for a total of 42 building lots, it is actually seeking permission to have 46 dwelling units in the 42 lots, because it wants on four of the lots in Tract A it wishes to build not only principal dwelling units as individual detached houses, but also to include in each such house an accessory dwelling unit.

Mr. Mastromonaco informed the Board that it was impossible for him to check the Resource Protection deductions made in Applicant's submission, particularly the deductions for steep slopes, without access to the computer data used by the Applicant in preparing its slope map and calculations. Mr. Mastromonaco said that the slope map was prepared in a way he had never before seen. The Applicant informed the Board that the slope map was computer generated and agreed to provide to Mr. Mastromonaco the data he needed to check the calculations.

It was agreed that no Site Capacity Determination could be made until Mr. Mastromonaco had checked Applicant's data.

The Board informed the Applicant that it was going to employ a traffic consultant to assist it in evaluating the traffic submissions made by the Applicant.

A complete transcript of the proceedings relating to this matter was prepared and is incorporated herein by reference.

IPB Matter #94-14: . **Application of Holy Spirit**
Association for the **Unification of World Christianity**
for East **Garden Subdivision.**

The Applicant was represented by Norman Sheer, Esq., Michael R. Sterlacci, P.E., and Michael Ingles of the Holy Spirit Association. The public hearing continued from the May meeting. Applicant submitted evidence of mailing of Notice of Public Hearing to Mr. William Riolo, 36 Park Avenue, who had not received the prior mailing made before the April meeting. Applicant also submitted: Sheet 1, East Garden, prepared by Michael R. Sterlacci, Revised September 12, 1994, Sheet 2, East Garden, Revised March 15, 1995, Sheet 3, Preliminary Layout, Revised April 18, 1995, Sheet 4, Tree Location Plan, Revised April 18, 1995, Sheet 5, Utility Plan, Revised 4/18/95, Sheet 6, Profile and Details, Revised April 18, 1995, Sheet 7, Erosion Control Plan, Revised April 18, 1995.

Mr. Sterlacci explained the changes in the drawings and plans since the last meeting of the Board.

The public meeting was opened for limited site development plan approval and preliminary plat approval. Mrs. Riolo asked a number of questions concerning the project that were discussed by the Board and the Applicant.

The Board discussed the proposed limit of disturbance and the Applicant's plans for erosion control. After the discussion the Applicant agreed to phase the project to control erosion and to show the impact of construction on the trees located on the property and actual limits of disturbance on a new drawing to be submitted prior to the Board's June meeting. The Board then adjourned the public meeting until its June meeting.

The Board then considered the following administrative matters:

- The R.R. Irvington Associates letters of credit issued by River Bank approved as to form by the Village Attorney, in the amounts of \$197,500 and \$1,777,500 were received and the Recording Secretary was instructed to give the original letters of credit to Mr. McCabe. The quarterly report of River Bank showing equity of over \$100 million was also presented to the Board.
- Minutes of the Planning Board held on March 1, 1995 and April 5, 1995, previously distributed, were, on motion duly made and seconded, approved.
- The next regular meeting of the Planning Board was scheduled for Wednesday, June 7, 1995.

There being no further business, the meeting was adjourned.

Respectfully submitted,

William Bush, Secretary